

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of TAMARIS DABAR JONES,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROSE MARY JONES,

Respondent-Appellant.

UNPUBLISHED

October 19, 2006

No. 270166

Saginaw Circuit Court

Family Division

LC No. 04-029442-NA

In the Matter of TAMARA JOESETT JONES,
Minor.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

ROSE MARY JONES,

Respondent-Appellant.

No. 270167

Saginaw Circuit Court

Family Division

LC No. 04-029441-NA

Before: Cavanagh, P.J., and Bandstra and Owens, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court's order terminating her parental rights to her two minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been established by clear and convincing evidence. *In re Hamlet (After Remand)*, 225 Mich App 505, 522; 571 NW2d 750 (1997). This Court reviews that finding under the clearly erroneous standard. MCR 3.977(J); *In re Sours*, 459 Mich 624,

633; 593 NW2d 520 (1999). Although there was no direct evidence that respondent continued to use crack-cocaine, respondent failed to demonstrate her sobriety to petitioner. Respondent blamed her inability to submit to all required drug screens on transportation problems, but she admitted that she was offered bus tokens and did not use them. Respondent also cited a lack of communication as a reason for her non-attendance. Yet, respondent acknowledged that it was her responsibility to stay in contact with petitioner, she failed to do so, and it was her own assumptions that led her to discontinue the drug screens after January 2006. It is a logical inference that respondent only submitted to drug screens when she knew she would test negative for cocaine.

Furthermore, the children were also removed from respondent's care because of her inability to maintain housing, which created an unstable environment for the children. During the 11 months since her discharge from an in-patient substance abuse treatment program, respondent worked for only two months and did not have a consistent residence. She had been living on the charity of her eldest son and state assistance. Her lack of a steady source of income affected her ability to obtain and maintain affordable housing. One house she rented was outside her budget and she was evicted after she could not pay the rent. Respondent had been offered assistance through Families First in obtaining employment and affordable housing, but severed her relationship with the agency after three weeks, stating that she did not need its services. Additionally, it was respondent's refusal to participate in services to obtain employment that led to the termination of her cash assistance through the FIP program. Respondent was renting another house at the time of the termination hearing, but she was not officially employed, had utility arrearages of \$600, and was ineligible for FIP benefits.

Although respondent's drug usage was not affirmatively established, given her failure to consistently submit to drug screens despite being provided with the means and opportunity to do so, combined with her inability to maintain employment and housing, the trial court properly found that there was clear and convincing evidence to support termination of respondent's parental rights under §§ 19b(3)(c)(i) and (g). There was also clear and convincing evidence that the children would be harmed emotionally if returned to respondent's home. The children were in dire need of stability, which respondent demonstrated she could not provide. Thus, termination under § 19b(3)(j) was also supported.

Accordingly, the trial court did not err in terminating respondent's parental rights to the children.

Affirmed.

/s/ Mark J. Cavanagh
/s/ Richard A. Bandstra
/s/ Donald S. Owens